

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, FEBRUARY 21, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE-CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: CHARLES OLIVER, MEMBER

ALSO PRESENT: Colleen O'Connor, Township Attorney
Jerome R. Schmeiser, Community Planning Consultants
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and all members were present except Charles Oliver.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items # 4 and #5 were tabled to the March 7, 2006 Planning Commission Meeting, and item #10 was added.

MOTION by AUSILIO seconded by PENZIEN to approve the agenda as amended.

MOTION carried.

APPROVAL OF PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on February 7, 2006 were reviewed and any additions, corrections or deletions were discussed.

MOTION by AUSILIO seconded by PENZIEN to approve the minutes of the meeting of February 7, 2006 as amended.

MOTION carried.

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AGENDA ITEMS

4. **Site Plan for Kroger at Macomb Park;** Located on the Southwest corner of 26 Mile and Romeo Plank, excluding the immediate corner; Section 6; Romeo Plank Commons, LLC, Petitioner; Permanent Parcel No. 08- 06-200-049

This matter was tabled until March 7, 2006 at the petitioner's request.

5. **Ground Sign for Kroger at Macomb Park;** Located on the Southwest corner of 26 Mile and Romeo Plank, excluding the immediate corner; Section 6; Romeo Plank Commons, LLC, Petitioner; Permanent Parcel No. 08- 06-200-049

This matter was tabled until March 7, 2006 at the petitioner's request.

6. **Land Division Variance for Stub Streets;** Strawberry Fields Site Condominiums; Located on the North side of 22 Mile Road, East of Hayes Road; Section 19; Excel Properties, Petitioner. Permanent Parcel No. 08-19-400-001.

The petitioner is requesting a variance to eliminate the requirement that stub streets be provided to the north and west of the proposed Strawberry Fields site condos. The plan provides a stub street to the east in accordance with the requirement of the Land Division Ordinance. No objections to the requested variance were raised by the department heads. The Westminster Subdivision has been developed to the north and west of the proposed Strawberry Fields site condos. No stub streets were provided as part of the Westminster development.

Jerome Schmeiser reviewed the item and made the following recommendations:

It is recommended that the variance request to eliminate the stub streets to the north and west of the Strawberry Fields site condominiums be approved. The Consultant suggests that the Planning Commission's action be forwarded to the Township Board for their consideration.

MOTION by KOEHS seconded by THOEL to recommend approval to the Township Board of Trustees for the Land Division Variance for Stub Streets; Strawberry Fields Site Condominiums; Located on the North side of 22 Mile Road, East of Hayes Road; Section 19; Excel Properties, Petitioner. Permanent Parcel No. 08-19-400-001.

MOTION carried

7. **Special Land Use; Detroit Edison Temporary Generator;** Located at Macomb Township Fire Station No. 2 on the south side of 21 Mile Road, 1/4 mile west of Romeo Plank Road; Section 32; DTE Energy, Petitioner. Permanent Parcel No. 08-32-201-011.

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Jerome Schmeiser reviewed the item and made the following recommendations:

It is recommended that the special land use permit be approved for a temporary generator, since the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a), as follows:

1. The proposed temporary generator shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.
2. The proposed temporary generator shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.
3. The proposed temporary generator will be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating there from which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.
4. The proposed temporary generator will be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
5. The proposed temporary generator will relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed temporary generator is necessary for the public convenience at the proposed location.
7. The proposed temporary generator is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
8. The proposed temporary generator will not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a

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deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

Six residents addressed the Commission to state their objections to this item. They were concerned with noise, exhaust and the esthetics of the generator.

MOTION by AUSILIO seconded by PENZIEN to approve the Special Land Use for a Detroit Edison Temporary Generator; Located on the south side of 21 Mile Road, 1/4 mile west of Romeo Plank Road; Section 32; DTE Energy, Petitioner. Permanent Parcel No. 08-32-201-011, contingent on the plan meeting the requirements of section 10.2401(E)(5)(a), and that DTE enter into an agreement with Macomb Township to indemnify and hold harmless the Township for any action resulting from this matter, including fuel spill clean up.

MOTION carried

8. **Site Plan for a Detroit Edison Temporary Generator;** Located on the south side of 21 Mile Road, 1/4 mile west of Romeo Plank Road; Section 32; DTE Energy, Petitioner. Permanent Parcel No. 08-32-201-011.

Jerome Schmeiser reviewed the item and made the following recommendations:

It is recommended that the site plan be approved with the standard conditions of the Planning Commission, including:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

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4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. **The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.

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14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit two (2) plans on 11" x 17" paper.
16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
17. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
19. That all requirements of the Zoning Ordinance be met.
20. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
22. That skirting will be installed in accordance with the plan submitted. It is recommended that the solid type vinyl flat skirting be installed as opposed to the vinyl lattice skirting.
23. At the conclusion of the use of the trailer the site must be restored in accordance with the overall site plan as approved by the Planning Commission.
24. That the temporary use be approved for a time not to exceed 3 years.
25. That the Township Board approve the use of the temporary trailer which will house the generator and the use of the gravel for the park surface.

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The Consultant suggests that the next step in the approval process is to forward the matter to the Building Department for the issuance of the necessary permits.

It is also suggested that the Planning Commission move to receive and file all correspondence in connection with this item.

As stated regarding the previous item, six residents addressed the Commission to state their objections to this. They were concerned with noise, exhaust and the esthetics of the generator.

MOTION by AUSILIO seconded by KOEHS to approve the Site Plan for a Detroit Edison Temporary Generator; Located on the south side of 21 Mile Road, 1/4 mile west of Romeo Plank Road; Section 32; DTE Energy, Petitioner. Permanent Parcel No. 08-32-201-011 contingent on the plan meeting the requirements of section 10.2401(E)(5)(a), and that DTE enter into an agreement with Macomb Township to indemnify and hold harmless the Township for any action resulting from this matter, including fuel spill clean up.

MOTION carried

9. **Land Division Variance for Landscaping;** Lone Star Estates Subdivision; Located on the West side of Card Road, 1/4 mile North of 22 Mile Road; Section 22; Polson Land Development, Petitioner. Permanent Parcel No. 08-22-400-016

Jerome Schmeiser reviewed the item and made the following recommendations:

It is recommended that variance request to defer the landscaping for the Lone Star Estates Subdivision be approved with the understanding that the landscaping will be completely installed according to the plan by June 1, 2006.

MOTION by KOEHS seconded by THOEL to recommend approval to the Township Board of Trustees of the Land Division Variance for Landscaping; Lone Star Estates Subdivision; Located West side of Card Road, 1/4 mile North of 22 Mile Road; Section 22; Polson Land Development, Petitioner. Permanent Parcel No. 08-22-400-016, provided that the required landscaping is installed by June 1, 2006.

MOTION carried

10. **Revised Site Plan and Co-Location;** Cellular Tower at the Water and Sewer Department; Located on the east side of Card Road 1/4 mile north of 23 Mile Road; Metro PCS, Petitioner.

Jerome Schmeiser reviewed the item and made the following recommendations:

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That the site plan be denied because all of the proposed equipment will not be located inside of the building on site.

MOTION by AUSILIO seconded by GALLAGHER to deny the request for the revised site plan and co-location because the equipment will not be inside of a building.

MOTION carried.

PLANNING CONSULTANTS COMMENTS

NONE

PLANNING COMMISSION MEMBER COMMENTS

NONE

MOTION by PENZIEN seconded by AUSILIO to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT

MOTION by KOEHS seconded by AUSILIO to adjourn the meeting at 8:45 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk